

The Honorable Jamal N. Whitehead

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JACOB ANDREW NOVELOZO,

Plaintiff,

v.

PORT OF SEATTLE, STEVE METRUCK,  
KATIE GERARD, THERESA CUMMINS,  
DAN FITZGERALD, SANDERS MAYO,  
GREG GAUTHIER, DELMAS WHITTAKER,

Defendants.

CASE NO. 2:25-cv-00111-JNW

STIPULATED MOTION AND  
ORDER STRIKING CURRENT  
CASE SCHEDULE

**STIPULATED MOTION**

Pursuant to Local Civil Rule 10(g), the parties<sup>1</sup> hereby jointly stipulate to strike the deadlines set forth in the Court's Order Setting Trial Date and Related Dates, dated May 13, 2025 (Dkt. 25) ("Case Schedule"), which can be reset at a later date if necessary. For the reasons explained below, good cause exists to strike the current Case Schedule:

1. Plaintiff commenced this action in mid-January 2025. *See generally* Dkt. 1, Dkt. 4.
2. Plaintiff served Defendant Port of Seattle (the "Port") in mid-February 2025. Dkt. 7.

<sup>1</sup> Defendants Steve Metruck, Teresa Cummins, and Greg Gauthier have not been served, and the time to do so has long since passed. Thus, counsel has not yet appeared on their behalf. As such, when counsel states "Defendants" in this report, it refers to all Defendants except for Metruck, Cummins, and Gauthier.

3. Shortly after being served, in early March 2025, the Port filed a motion to dismiss Plaintiff's first amended complaint. Dkt. 10. Plaintiff filed a motion for leave to amend in response to the Port's motion to dismiss. Dkt. 11.
4. On April 9, 2025, the Court denied the Port's motion to dismiss without prejudice and granted Plaintiff leave to file an amended complaint. Dkt. 18. By that date, Plaintiff had also served Defendants Sanders Mayo, Delmas Whittaker, Dan Fitzgerald, and Katie Gerard. *See generally* Dkt.
5. On April 26, 2025, Plaintiff filed a second amended complaint. Dkt. 21.
6. On May 9, 2025, Defendants Port of Seattle, Sanders Mayo, Delmas Whittaker, Dan Fitzgerald, and Katie Gerard filed a motion to dismiss Plaintiff's second amended complaint, seeking dismissal of Plaintiff's entire second amended complaint with prejudice. Dkt. 23.
7. On May 13, 2025, the Court entered an Order Setting Trial Date and Related Dates. Dkt. 25.
8. On May 22, 2025, Plaintiff filed a motion for leave to file a third amended complaint, seeking to add a WLAD claim. Dkt. 26.
9. Both Defendants' motion to dismiss and Plaintiff's motion for leave to amend were noted for mid-June 2025. *See* Dkt.
10. Given that any order related to Defendants' motion to dismiss would drastically alter the scope/status of this case, neither Defendants nor Plaintiff pursued discovery while the motion was pending.
11. On August 18, 2025, the Court entered an order denying Plaintiff's motion for leave to amend to add a WLAD claim and granting Defendants' motion to dismiss all of the claims in Plaintiff's second amended complaint. Dkt. 38. The Court's order gives Plaintiff 30 days to file a third amended complaint that remedies the deficiencies identified in the Court's order with respect to the claims in Plaintiff's second amended complaint. The

Court's order further states that if Plaintiff fails to comply with the court's order, the case will be administratively terminated.

12. To date, Defendants Steve Metruck, Teresa Cummins, and Greg Gauthier have not been served. *See* Dkt.

13. If Plaintiff decides to file a third amended complaint, Defendants intend to move to dismiss the third amended complaint.

14. Because of the procedural posture of this case, and because certain discovery deadlines begin to run as early as September 2025, good cause exists to strike the current Case Schedule. The Court can issue a new case schedule, if necessary, following a ruling on Defendants' motion to dismiss Plaintiff's third amended complaint (to the extent Plaintiff decides to file a third amended complaint). Otherwise, this case will be closed, and a new case schedule will be unnecessary.

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Gerard, Delmas Whittaker, and  
Sanders Mayo

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DATED this 25<sup>th</sup> day of August, 2025.

DATED this 25th day of August, 2025.

**ORDER**

IT IS SO ORDERED. The Clerk is DIRECTED to strike the current Case Schedule (Dkt. 25). If Plaintiff files a third amended complaint in accordance with the Court's order granting Defendants' motion to dismiss Plaintiff's second amended complaint, the Court will set a new case schedule, if necessary, after it rules on Defendants' motion to dismiss Plaintiff's third amended complaint (to the extent Plaintiff decides to file a third amended complaint).

Dated this 26th day of August, 2025.



HONORABLE JAMAL N. WHITEHEAD  
UNITED STATES DISTRICT JUDGE